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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 DONALD LEE,

9 Petitioner,

Case No. C17-1006 RAJ-BAT

10 v.

**ORDER TRANSFERRING CASE
TO NINTH CIRCUIT**

11 GILBERT,

Respondent.

12 The Court, having reviewed Petitioner's 28 U.S.C. § 2254 habeas petition, the Report and
13 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge, any
14 objections or responses to that, and the remaining record, finds and Orders as follows:

15 (1) The Court adopts the Report and Recommendation.

16 (2) Petitioner's 28 U.S.C. § 2254 petition is **TRANSFERRED TO THE NINTH
CIRCUIT AS A SECOND OR SUCCESSIVE PETITION.**

17 (3) The Clerk is directed to send copies of this Order to Petitioner and to the Hon.
18 Brian A. Tsuchida **AND TO ADMINISTRATIVELY CLOSE THIS FILE.**

19 DATED this 7th day of September, 2017.

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23 The Honorable Richard A. Jones
United States District Judge